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AUG 07 2006

PATENT

Attorney Docket No. UCSD-04523

REMARKS

Claims 11, 13-15 and 30-40 are currently pending. In the instant Office Action, the Examiner has raised several issues, which are set forth by number in the order they are addressed herein:

- 1) Claim 30 stands objected to as allegedly being informal;
- 2) Claim 30 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite; and
- 3) Claims 11, 31-35 and 38-40 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

Applicants thank the Examiner for indicating that Claims 13-15 are allowed and that Claims 36 and 37 would be allowable if rewritten in independent form. Applicants hereby amend Claims 30, 36 and 37, and cancel Claims 11, 31-35 and 38-40, in order to further the prosecution of the present application and Applicants' business interests, yet without acquiescing to the Examiner's arguments. Applicants reserve the right to prosecute the original, similar, or broader claims in one or more future application(s). The amendments do not introduce new matter.

1) The Claims Are Formal

The Examiner has objected to Claim 30 as allegedly being informal "because it appears to be missing the word 'of' between the words '1408' and 'SEQ'" (Office Action, page 2). Applicants thank the Examiner for drawing their attention to this clerical error and have accordingly amended Claim 30 to recite "nucleotides 149 to 1408 of SEQ ID NO:1."

2) The Claims Are Definite

The Examiner has rejected Claim 30 under 35 USC § 112, second paragraph, as allegedly being indefinite. The Examiner states that the "metes and bounds of this claim cannot be determined because it is unknown what component of the claim [the phrase 'in its entirety'] refers to" (Office Action, page 3). Although Applicants respectfully disagree that Claim 30 is indefinite, Applicants have amended Claim 30, in order to further the prosecution of the present application and Applicants' business interests, yet without acquiescing to the Examiner's

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arguments, and while reserving the right to prosecute the original, similar, or broader claims in one or more future application(s). In particular, Applicants have amended Claim 30 to recite "comprising the nucleotide sequence complementary to nucleotides 149 to 1408 of SEQ ID NO:1." The Examiner had indicated that such an amendment would be remedial. Thus, Applicants respectfully request that this rejection be withdrawn.

3) The Claims Meet The Written Description Requirement

The Examiner has rejected Claims 11, 31-35 and 38-40 under 35 USC § 112, first paragraph, as allegedly failing to comply with the written description requirement for containing subject matter, which was not described in the Specification in a way as to convey that the inventors had possession of the claimed invention. Although Applicants respectfully disagree that Claims 11, 31-35 and 38-40 are indefinite, Applicants have canceled these claims and amended Claims 36 and 37, in order to further the prosecution of the present application and Applicants' business interests, yet without acquiescing to the Examiner's arguments, and while reserving the right to prosecute the original, similar, or broader claims in one or more future application(s). In particular, Applicants have amended Claims 36 and 37 as independent claims by inclusion of limitations from base Claim 35 (now canceled). Therefore Applicants respectfully request that this rejection be withdrawn.

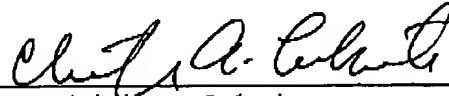
CONCLUSION

Applicants believe the amendments and arguments set forth above traverse the Examiner's rejections and, therefore request that a timely Notice of Allowance be issued in this

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case. However, should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicants encourage the Examiner to call the undersigned collect.

Dated: August 7, 2006

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